

FEB 18 2005



Ralph E. Jocke
Patent
&
Trademark Law

FACSIMILE TRANSMISSION COVER SHEET

TRANSMITTING: 4 PAGES (INCLUDING THIS PAGE)

NAME: Commissioner for Patents
U.S. Patent and Trademark Office

FAX NUMBER: (703) 872-9306

DATE: February 18, 2005

SENDER: Ralph E. Jocke, Esq.

FAX NUMBER: (330) 722-6446

PHONE NUMBER: (330) 721-0000

COMMENTS: Please find attached a request for reinstatement of appeal via a **Notice of Appeal** for Application 09/193,647. Also attached is a 2nd Request for the Office to properly respond to the Remand dated June 29, 2004.

If you do not receive all pages, contact the sender IMMEDIATELY at the number listed below.

The information contained in this facsimile message is confidential and intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited and will be considered at a tortious interference in our confidential business relationships. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address below via the U.S. Postal Service. Thank you.

330 • 721 • 0000
MEDINA

330 • 725 • 1669
CLEVELAND

330 • 722 • 6446
FACSIMILE

rej@walkerandjocke.com
E-MAIL

231 South Broadway, Medina, Ohio U.S.A. 44256-2601

RECEIVED
CENTRAL FAX CENTER

Practitioner's Docket No. D-1077+11

FEB 18 2005**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Previous Appeal No.: 2003-0830

Appellants: **Usner, et al.**

Confirmation No. 2234

Application No.: **09/193,647**

Art Unit 3621

Filed: **November 17, 1998**

Examiner Pierre Eddy Elisca

Title: **Apparatus and Method for Indicating the Status of Transaction
Function Devices in an Automated Banking Machine**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. 1.191)**

Appellants hereby request reinstatement of their appeal pursuant to 37 C.F.R. § 41.31.
Appellants hereby appeal to the Board the decision of the Primary Examiner, mailed November
18, 2004, regarding all unallowed claims (including rejected claims 1-19).

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service
with sufficient postage as Express mail in an
envelope addressed to Box AF, Commissioner for
Patents, PO Box 1450, Alexandria, VA 22313-
1450.

Express Mail Label No.:

Date: February 18, 2005

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark
Office at (703) 872-9306.

Signature


Ralph E. Jocke

(type or print name of person certifying)

(Notice of Appeal from the Primary Examiner to the Board—page 1 of 2)

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Notice of Appeal is:

Other than a small entity \$500.00

Previously paid Notice of Appeal fee \$320.00

Notice of Appeal fee due \$180.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Appellants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Additional Notice of Appeal fee \$ 180.00

TOTAL FEE DUE \$ 180.00

5. FEE PAYMENT


A fee (\$320) has already been paid for a previously filed Notice of Appeal. If necessary, please apply the previously paid fee herein.

The Commissioner is authorized to charge any necessary fee associated with the filing of this Notice of Appeal and any other fee due to Deposit Account No. 09-0428 (InterBold).

6. FEE DEFICIENCY

If any additional extension and/or fee is required, this is a request therefor and to charge Deposit Account No. 09-0428 (InterBold).

If any additional fee for claims is required, charge Deposit Account No. 09-0428 (InterBold).


SIGNATURE OF PRACTITIONER:

Reg. No. 31,029
Customer No. 28995
Tel. No.: (330) 721-0000

Ralph E. Jocke
WALKER & JOCKE
231 South Broadway
Medina, OH 44256

(Notice of Appeal from the Primary Examiner to the Board—page 2 of 2)

RECEIVED
CENTRAL FAX CENTER

FEB 18 2005

D-1077+11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Usner, et al.)	
Serial No.: 09/193,647)	Appeal No.: 2003-0830
Confirm. No.: 2284)	
Filed: November 17, 1998)	Art Unit 3621
Title: Apparatus and Method for)	Patent Examiner
Indicating the Status of)	Pierre Eddy Elisca
Transaction Function Devices)	
in an Automated Banking Machine))	

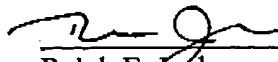
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

2nd Request for the Office to properly respond to the Remand dated June 29, 2004

The record lacks evidence that the Office Communication dated November 18, 2004, which attempted to reopen prosecution, was approved by a Supervisory Patent Examiner (SPE). Accordingly, prosecution has not been reopened and the Remand remains pending.

Respectfully submitted,


Ralph E. Jocke Reg. No 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000